

REMARKS

Claims 1 - 8 remain in this application. Claims 4 - 8 are withdrawn from consideration. Claim 1 has been amended.

Claims 1 - 3 were rejected under Section 112, second paragraph as being indefinite. Claim 1 has been amended to overcome the indefiniteness rejection. Specifically, "said sanding pad passageways" has been changed to "said plurality of apertures of said sanding pad." Antecedent basis for "plurality of apertures" is found in the preamble of claim 1. Claims 2 - 3 are no longer indefinite as they now depend from a definite claim and are not themselves indefinite.

Claim 1 was rejected under Section 102(b) as being anticipated by Marton (U.S. Patent No. 4,616,449). Specifically, the examiner stated that Marton discloses all of the limitations of claim 1. Applicant respectfully traverses this rejection. Marton discloses a suction plate having an upper circular plate, a central upstanding flange that rises above the inner portion of the plate and a peripheral rim that extends down from the outside edge of the plate. Legs can extend down from the bottom of the upper plate and holes therein allow for the suction plate to be attached to a backup pad. The present invention is distinct from this arrangement. In the present invention, a limitation of claim 1 is that the suction ring is connected to the backing pad through openings at an edge of a side wall of the ring, this edge being at the bottom of the side wall. Hence, the attachment is at a lower edge of a side wall and not through an upper plate as in Marton. Further, the present invention contains the limitation that the circular back wall of the suction ring has an opening therein for communicating vacuum pressure. No such element exists in the suction plate of Marton. The upper plate of Marton does not have an opening in it for communication of vacuum pressure. For these reasons, applicant asserts that the present invention is not anticipated by Marton (U.S. Patent No. 4,616,449) and requests that the rejection based on Marton be withdrawn.

Claim 1 was rejected under Section 102(b) as being anticipated or, in the alternative, under Section 103(a) as being obvious over Takashima (U.S. Patent No.

5,027,470). The examiner also stated that claim 3 would be an obvious variation of Takashima. Specifically, the examiner stated that Takashima discloses all of the limitations of claim 1 and that it would have been obvious to make the device of Takashima out of aluminum as in claim 3. Applicant respectfully traverses this rejection. Takashima does not disclose the elements of the present invention. To begin, Takashima does not disclose a suction ring as found in the present invention. The examiner states that lower part of the housing 40 of Takashima is a suction ring. This is incorrect: Takashima never states that the housing 40 is a ring; rather Takashima says that the interior of the housing defines a vacuum chamber. The housing 40, then, is truly what it is called: a housing for the vacuum chamber. Further, Takashima does not disclose a suction ring between the suction housing and sanding pad assembly as found in the present invention. As just noted, Takashima does not disclose a suction ring. Takashima instead discloses a circular driving disc section 46 containing vacuum holes located in between a pad assembly and a vacuum chamber. The circular disc section 46 does not include the features of the suction ring of the present invention such as a circumferential side wall, a circular back wall or an opening in an edge of the side wall to mount the suction ring to the pad assembly. Moreover, there is no teaching or suggestion in Takashima to modify the elements of Takashima to obtain the present invention. Takashima simply does not disclose the elements of the present invention and no modification of the elements of Takashima would result in the present invention. Finally, since Takashima does not disclose the present invention nor teach an obvious variation of the present invention, fabricating the present invention out of aluminum would not be an obvious modification of Takashima. In other words, fabricating Takashima out of aluminum would not result in the same or an obvious variation of the present invention fabricated out of aluminum. For these reasons, applicant asserts that the present invention is neither anticipated nor suggested by Takashima and requests that the rejection based on Takashima be withdrawn.

Claim 2 was rejected under Section 103(a) as being unpatentable over Takashima in view of Kitahata (U.S. Patent No. 5,172,448). Specifically, the examiner stated that it

would be obvious to one skilled in the art to modify the invention of Takashima with reinforcing ribs as taught by Kitahata to obtain the present invention. Applicant respectfully traverses this rejection. First, applicant again states that the present invention is neither disclosed nor suggested by Takashima for the same reasons stated above. Therefore, no teaching of Kitahata combined with Takashima would result in the present invention. In other words, no addition of "ribs" to Takashima would result in the present invention as found in claim 2. Second, the ribs of Kitahata stiffen a cylindrical hub rising from the center of a buffer pad assembly while the ribs of the present invention stiffen the entire suction ring and sanding pad assembly. For these reasons, applicant asserts that the present invention is not unpatentable over Takashima in view of Kitahata and requests that the rejection based on Takashima in view of Kitahata be withdrawn.

Claims 2 and 3 were rejected under Section 103(a) as being unpatentable over Marton in view of Kitahata. Specifically, the examiner stated that it would be obvious to one skilled in the art to modify Marton with the reinforcing ribs of Kitahata to obtain the present invention as claimed in claim 2. The examiner also stated that it would be obvious to fabricate Marton using aluminum as claimed in claim 3. Applicant respectfully traverses this rejection. As applicant has previously asserted, Marton does not disclose the elements of the present invention. Applicant restates this argument for the same reasons as given above. Therefore, no combination of Marton with the teaching of Kitahata would result in the present invention. Furthermore, adding ribs to the suction plate of Marton would not achieve the same result of stiffening the suction plate and the sanding pad assembly because of the design of the suction plate of Marton. In other words, the suction plate of Marton does not contact the pad assembly in such a way that the addition of ribs to Marton would result in a stiffer connection between the suction plate and the pad assembly. Therefore, claim 2 is not obvious over Marton in view of Kitahata. Finally, since Marton does not disclose the same elements as the present invention, fabricating Marton from aluminum would not result in the present invention. Therefore, claim 3 is not an obvious variation of Marton. For these reasons, applicant asserts that the present invention is not unpatentable

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over Marton in view of Kitahata and requests that the rejection based on Marton in view of Kitahata be withdrawn.

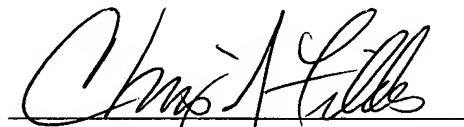
Applicant submits that the claimed invention clearly distinguishes over the cited references and should be found allowable.

This amendment and request for reconsideration is felt to be fully responsive to the comments and suggestions of the examiner and to place this application in condition for allowance. Favorable action is requested.

Respectfully submitted,

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